

JUDGE KAREN L. STROMBOM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TERRY WELLS and DANA WELLS,
individually and as Natural
Guardians and Next Friends of E.A.
WELLS, their minor child,

Plaintiffs,

vs.

THYSSENKRUPP ELEVATOR
CORPORATION, THYSSENKRUPP
ELEVATOR MANUFACTURING,
INC., HARBORSIDE INN, DON D.
ROBERTS, GALE STUDER, SCOTT
STUDER, LYNN STUDER,
L. GEHRKE, and P. GEHRKE,

Defendants.

NO. C05-5725 KLS

JOINT PROTECTIVE ORDER RE
CONFIDENTIAL DOCUMENTS
CONCERNING MINOR CHILD

The parties, by their undersigned counsel, stipulate as follows:

1. In response to the requirement for initial disclosures and in response to requests for production issued by the parties to plaintiffs, the plaintiffs will be producing documents concerning the minor child, E.A. Wells ("minor child"). Some of these documents may contain sensitive, personal, medical and educational information which, if generally available, would do

JOINT PROTECTIVE ORDER RE
CONFIDENTIAL DOCUMENTS- 1

WELLS/WCS/1455.019

WILSON SMITH COCHRAN DICKERSON

A PROFESSIONAL SERVICE CORPORATION

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SEATTLE, WASHINGTON 98161-1007

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1 damage to the minor child. These documents will be provided to each party to
2 this lawsuit with a red stamp declaring them confidential.

3 2. The parties and their undersigned counsel agree that documents
4 produced by plaintiff in discovery and stamped confidential shall be treated as
5 confidential, as further described herein.
6

7 3. The parties agree that the documents produced as described in
8 paragraph 1, including the contents thereof, shall be used only for purposes of
9 preparing the above-referenced litigation for trial.

10 4. Further, to the extent that depositions of persons involve a specific
11 discussion of the contents (as opposed to the existence) of confidential
12 documents, then those portions of the depositions should also be treated as
13 confidential, as further described herein.
14

15 5. The parties agree that the confidential documents, including the
16 contents thereof, shall not be disseminated to anyone other than:

- 17 A. The parties, their insurers and the parties' attorneys in this
18 litigation, including their partners, associates, secretaries, paralegal
19 assistants, and other employees who may be assisting in the
20 litigation of said litigation;
21
22 B. Experts retained for the purpose of consulting or testifying in this
23 litigation;
24
25 C. Court officials involved in this litigation, including court reporters
26 and persons operating video recording equipment at depositions, as
may be required for purposes of attaching exhibits to depositions;
and
D. Jurors and other third persons present during any court
proceeding; provided that during such proceedings, a party
intending to offer information covered by this protective order
will first notify the affected party in sufficient time to allow the

1 affected party an opportunity to remove the plaintiffs' minor
2 child A.E. Wells (hereinafter "the minor child") from the
3 courtroom during presentation of the information, and to allow
4 the affected party the opportunity to request that the court
consider removing from the courtroom any third person who's
presence is not necessary for the outcome of that proceeding.

5 6. To the extent that confidential documents are attached to
6 transcripts of depositions, or to pleadings to be filed with the court, then the
7 confidential documents will be filed under seal, not to be disclosed to the minor
8 child or to the public absent specific order from the court.

9 7. The parties and their undersigned counsel agree to provide a copy
10 of this Stipulation and Protective Order to any expert who is to be provided
11 with a copy of the confidential documents, and to require that such expert
12 maintain the confidentiality of such documents. Such experts will be required
13 to sign a copy of this Stipulation and Protective Order, signifying agreement to
14 its provisions and consenting to the jurisdiction of the court over his or her
15 person for purposes of enforcing the terms of this Stipulation and Protective
16 Order.
17

18 8. All expert witnesses who receive the documents described in
19 paragraph 1 shall keep the information confidential, use the documents only
20 for this litigation, and shall not disclose such information to the minor child or
21 to any third person without written consent from the producing party or its
22 attorney. At the conclusion of the expert's services in this litigation, all copies
23 of the confidential documents shall be returned to plaintiff's counsel.
24
25
26

1 9. Neither counsel, employees of the law firms involved in the
2 litigation, the defendants' insurers, nor experts retained for purposes of
3 consulting or testifying shall disseminate the confidential documents or the
4 contents thereof to the minor child or to any third person, whether by oral
5 description or by writing, or by any other means, outside the group of persons
6 listed in paragraph 5.
7

8 10. At the conclusion of this litigation, all parties and those persons
9 identified in paragraph 5 (other than court personnel) shall return all
10 documents identified in paragraph 1 to plaintiffs' attorney, or destroy the
11 documents at the request of plaintiffs' counsel.
12

13 11. The parties, all counsel, and all other persons signing this
14 Stipulation and Protective Order agree to submit to the jurisdiction of the court
15 for purposes of enforcing the Stipulation and Order.
16

17 12. Nothing in this Stipulation and Order shall preclude
18 reconsideration by the Court of any of the terms of the Order upon the Court's
19 own motion after notice to the parties and an opportunity to be heard, or upon
20 written application by a party, with notice to the other parties, and for good
21 cause shown.
22

23 13. The parties, all counsel, and all other persons signing this
24 Stipulation and Protective Order who receive copies of the minor child's
25 medical records, medical history, mental health records, counseling records, or
26 educational records by stipulation, subpoena, or method other than production
27

1 by plaintiffs' counsel shall mark and treat all such documents as confidential
2 in accordance with this Stipulation and Order.
3
4

5 Dated this _____ day of _____, 2006.
6

7 WILSON SMITH COCHRAN & DICKERSON
8

9 By _____
10 Whiney Smith
11 WSBA # 21159
12 Attorneys For Defendants ThyssenKrupp Elevator Manufacturing,
13 Inc. and ThyssenKrupp Elevator Corporation
14

15 MACDONALD HOAGUE & BAYLESS
16

17 By _____
18 Jay Brown
19 WSBA # 19835
20 Attorneys For Plaintiffs
21

22 FALLON & McKINLEY
23

24 By _____
25 Nancy McKinley
26 WSBA #7992
Attorneys For Defendants Harborside Inn, Roberts
Studer and Gehrke

ORDER

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

2 The foregoing stipulation of counsel shall control the production,
3 dissemination and use of all documents produced in discovery as described in
4 paragraph 1 of the stipulation.

5 DATED this 16th day of October, 2006.

7 

8 Karen L. Strombom
9 United States Magistrate Judge

10 Presented By:

11 WILSON SMITH COCHRAN & DICKERSON

12 By (original signed)
13 Whiney Smith
14 WSBA # 21159

15 Attorneys For Defendants ThyssenKrupp Elevator Manufacturing,
16 Inc. and ThyssenKrupp Elevator Corporation
17

18 MACDONALD HOAGUE & BAYLESS

19 By (original signed)
20 Jay Brown
21 WSBA # 19835
22 Attorneys For Plaintiffs

23 FALLON & MCKINLEY

1
2 By (original signed)

3 Nancy McKinley

WSBA #7992

4 Attorneys For Defendants Harborside Inn, Roberts
5 Studer and Gehrke
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